



Signed and Filed: December 4, 2023

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5 HANNAH L. BLUMENSTIEL
6 U.S. Bankruptcy Judge

7 UNITED STATES BANKRUPTCY COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 In re:) Case No. 23-30662 HLB
10 INTERNATIONAL LONGSHORE AND)
WAREHOUSE UNION,) Chapter 11
11)
Debtor.)
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13 **SECOND ORDER REGARDING DISCOVERY DISPUTE**

14 On November 16, 2023, the court entered an Order Regarding
15 Discovery Dispute.¹ The very next day, creditor ICTSI Oregon,
16 Inc. ("ICTSI") demanded that the court resolve yet another set of
17 discovery disputes that it claims have arisen between it and
18 Debtor International Longshore & Warehouse Union ("ILWU").
19 Pursuant to the court's instructions, ILWU submitted a response
20 to ICTSI's correspondence on November 28, 2023. The court has
21 carefully reviewed both letters.

22 ICTSI complains that ILWU has objected to producing the
23 following categories of discovery material:

24 **1.** Material relating to ILWU's Coast Longshore Division
25 ("CLD") or other third-party obligations to pay ILWU's attorneys'
fees and costs;

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28 ¹ Dkt. 97 (the "First Discovery Order").

1 **2.** Material pertaining to CLD stored on ILWU's servers or
2 email systems or in ILWU's office;

3 **3.** Material in the possession or under the control of
4 ILWU's alleged "agents, representatives, accountants, and
5 attorneys", whom ICTSI does not identify;

6 **4.** Material relating to the business and financial
7 relationships between ILWU and its political action fund ("PAF")
8 and its title-holding company, Pacific Longshoremen's Memorial
9 Association ("PLMA"); **and**

10 **5.** Material relevant to other litigation in which ILWU is
11 involved.

12 Next, ICTSI complains that ILWU's methods for searching for
13 responsive electronic material are inadequate, and it insists
14 that the court provide detailed instructions to ILWU, including
15 apparently crafting electronic search terms that expand those
16 ILWU proposed to ICTSI.

17 ILWU raises almost no objections² to the production of the
18 foregoing material and contends that it has produced or is in the
19 process of producing all responsive material in its possession or
20 control. As to ICTSI's complaints about ILWU's search
21 methodology, ILWU argues that ICTSI has "refused to engage" in
22 any discussion about what search terms or parameters might be
23 appropriate. ILWU asserts that ICTSI, having refused to fulfill

25 ² ILWU objects to the temporal scope of ICTSI's discovery requests aimed at
26 ILWU's relationships with PLMA and PAF on the grounds that they demand
27 material dating as far back as January 1, 2012. The court reminds both
28 parties that the First Discovery Order limited the relevant period to
September 30, 2016 to the petition date. The court expects compliance with
the First Discovery Order. ILWU also contends that it has produced its
audited financial statements and that these documents "should be sufficiently
responsive to ICTSI's requests."

1 its obligation to meet and confer on this point, should not be
2 afforded any relief.

3 As to ILWU's last point, the court agrees. ICTSI has not
4 fulfilled its obligation to meet and confer in good faith.
5 Instead of working with ILWU to come up with mutually acceptable
6 search terms, it chose instead to cast aspersions and
7 unnecessarily burden the court. The court will not tolerate such
8 misconduct.

9 Following due consideration, the court **ORDERS** as follows:

10 1. ILWU shall produce all responsive, non-privileged
11 material within its possession or under its control in categories
12 1-5, above. Consistent with the First Discovery Order, the
13 relevant period for such production shall be September 30, 2016
14 to petition date.

15 2. To the extent ICTSI asks the court to dictate the terms
16 ILWU should use to search for electronically stored information,
17 the court **DENIES** that request on the basis that ICTSI entirely
18 failed to satisfy its obligation to meet and confer with ILWU on
19 that subject.

20 3. The court finds and concludes that ICTSI has abused the
21 court's expedited discovery procedures. Accordingly, to the
22 extent ICTSI wishes to raise additional discovery issues with the
23 court, it shall do so via a motion noticed pursuant to B.L.R.
24 9014-1(c)(1). ICTSI may no longer utilize the court's expedited
25 discovery procedures.

END OF ORDER

Court Service List